

380
BILL NO. Z-89-0121

ZONING MAP ORDINANCE NO. Z- 03-89

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. H-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

1. SECTION 1. That the area described as follows is
hereby designated an M-1 (Light Industrial) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

The West 660.0 feet of the North Half of the Southeast
Quarter of the Northwest Quarter of Section 28,
Township 31 North, Range 12 East, Allen County,
Indiana, more particularly described as follows, to
wit:

Beginning at the Northwest corner of the Southeast
Quarter of said Northwest Quarter; thence Easterly, on
and along the North line of said Southeast Quarter, a
distance of 660.0 feet; thence Southerly, by a
deflection angle right of 90 degrees 16 minutes and
parallel to the West line of said Southeast Quarter, a
distance of 660.0 feet to a point on the South line of
the North Half of said Southeast Quarter; thence
Westerly, by a deflection angle right of 89 degrees 49
minutes 40 seconds, on and along said South line, a
distance of 660.0 feet to the Southwest corner of said
North Half; thence Northerly, by an interior angle of
89 degrees 49 minutes 40 seconds, on and along the West
line of said Southeast Quarter, a distance of 659.85
feet to the point of beginning, containing 10.006 acres
of land, subject to all easement of record.

and the symbols of the City of Fort Wayne Zoning Map No. H-
26, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 1-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 2-28-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING MAP) _____ ORDINANCE RESOLUTION NO. 2-03-89
on the 28th day of February, 1989.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of March, 1989, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 7th day of March, 1989, at the hour of 9:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

CK# 275

No 2845

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Dec 20 1988

RECEIVED FROM H. SAM Mc DANIEL \$ 100.00

THE SUM OF One Hundred and no/100's DOLLARS

ON ACCOUNT OF Re zoning App - Burns Rd Ext.

W. E. O'H
AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Freighting Yard or Terminal

I/We H. SAM McDaniel
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an ~~RI~~ RI District to a/an ~~M-1~~ M-1 District the property described as follows:

See Attached Survey

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: Burma Road Extended

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>X H. Sam McDaniel</u>	<u>Rt 1 Box 160, Churubusco, IN 46723</u>	<u>H. Sam McDaniel</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>George Mattern</u>	<u>1400 Lincoln Tower</u>	<u>426-1300</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

See Attached Survey

Owners of Property

H. SAM McDaniel

Rt 1, Box 166 Chumley

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.

zk tazian

ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
219/426-0003



CERTIFICATE OF SURVEY

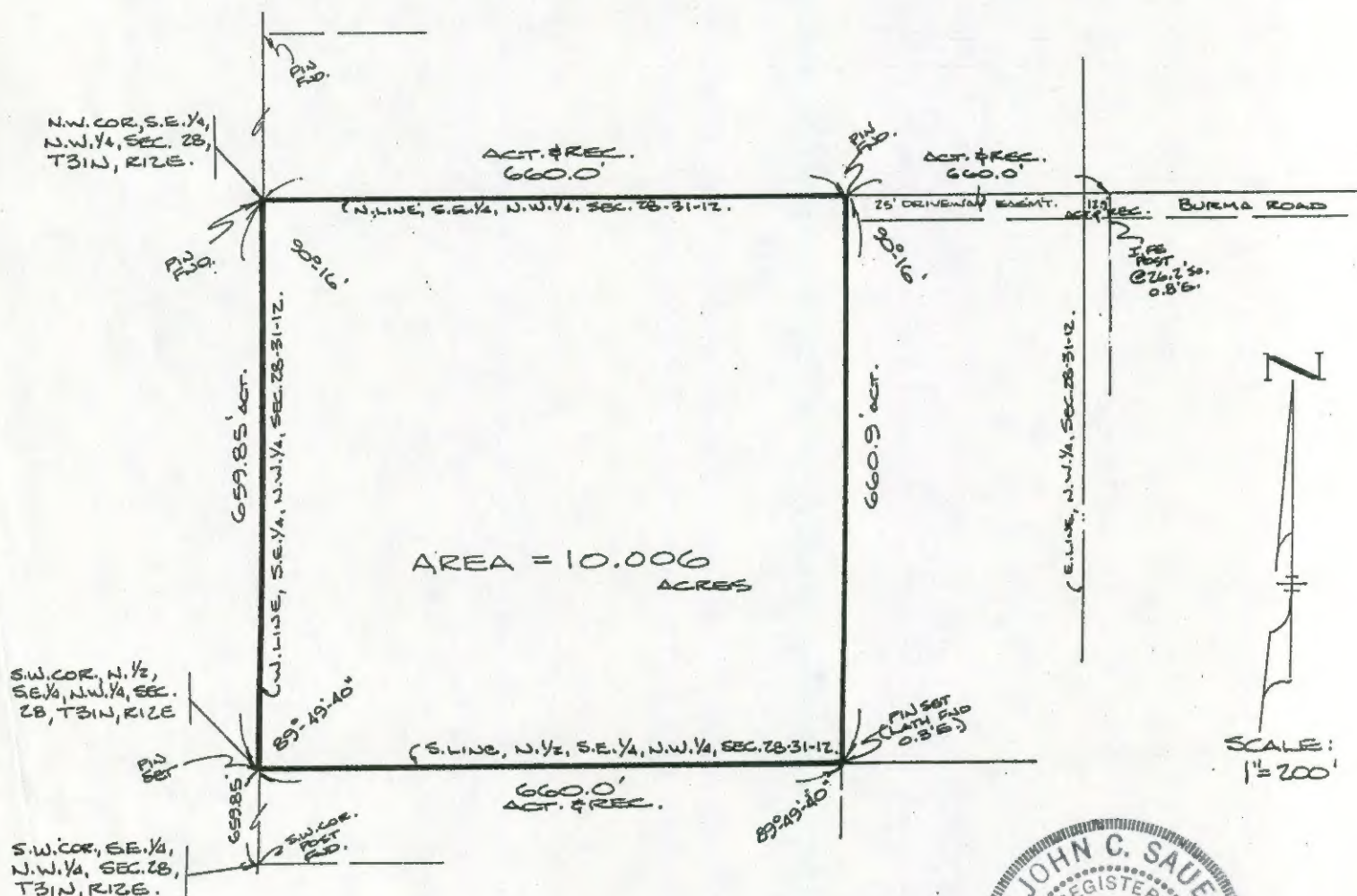
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

The West 660.0 feet of the North Half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Northwest corner of the Southeast Quarter of said Northwest Quarter; thence Easterly, on and along the North line of said Southeast Quarter, a distance of 660.0 feet; thence Southerly, by a deflection angle right of $90^{\circ}-16'$ and parallel to the West line of said Southeast Quarter, a distance of 660.0 feet to a point on the South line of the North Half of said Southeast Quarter; thence Westerly, by a deflection angle right of $89^{\circ}-49'-40''$, on and along said South line, a distance of 660.0 feet to the Southwest corner of said North Half; thence Northerly, by an interior angle of $89^{\circ}-49'-40''$, on and along the West line of said Southeast Quarter, a distance of 659.85 feet to the point of beginning, containing 10.006 acres of land, subject to all easements of record.

This property is not in a special flood hazard area according to the FIA Flood Hazard Boundary Map No. H-01-41, effective Feb. 27, 1976.



DRIVEWAY EASMT. DELETED 5/27/88

I hereby certify on the 27 day of May, 19 88 that the above survey is correct.

Surveyed for: Combs

Survey No.: 88-5-184

John C. Sauer



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 24, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-89-01-21; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 23, 1989.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 30, 1989.

Certified and signed this
31st day of January 1989.



Robert Hutner
Secretary

#380

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CED

SYNOPSIS OF ORDINANCE A 10 acre parcel, more or less, located in the
3200 Block of Burma Road Extended.

2-89-01-21

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.
Property will become M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-89-01-21

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

From R-1 to M-1

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

Burma Road Extended

Reason for Project

Freight Yard or Terminal

Discussion (Including relationship to other Council actions)23 January 1989 - Public Hearing

George Martin, attorney for the petitioner H. Sam McDaniel appeared before the Commission. Mr. Martin stated the rezoning looked like an extensive gap from R-1 to M-1, but upon examination of the petition the Commission would discover that it really isn't a very severe rezoning. He stated that he wanted to commend the staff for their analysis and support of the rezoning. He stated there is an abundance of industrially designated ground on all four sides of this parcel which creates a pocket of residential zoning. Mr. Martin presented the Commission with photographs of the area showing that the area is very commercial. He stated that if rezoned they are planning to have a parking lot for truck trailers and also for modular offices while they are not being rented out. He stated that Mr. McDaniel owns the adjacent property to the south and it is well maintained as an industrial use. He stated that the property presently is undeveloped.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

H. Sam McDaniel

City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

He stated that they would request that the Commission respect the recommendation of the staff and rezone the property an M-1 District.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

30 January 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 21 December 1988

Projected Completion or Occupancy

Date 31 January 1989

Fact Sheet Prepared by

Patricia Biancaniello

Date 31 January 1989

Reviewed by

[Signature]

Date

Feb 2, 1989

Reference or Case Number

BILL NO. Z-89-01-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City
of Fort Wayne Zoning Map No. H-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) No Pass

YES

NO

Janet G. Bradbury
David C. Long

JANET G. BRADBURY
CHAIRPERSON

DAVID C. LONG
VICE CHAIRMAN

JAMES S. STIER

Samuel J. Talarico

DONALD J. SCHMIDT

SAMUEL J. TALARICO

CONCURRED IN

2-28-85

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

7

COUNCILMANIC DISTRICT NO. 3



LAND USE:

☐ **COMMERCIAL**

C INDUSTRIAL

DATE: 12-22-88